



# *Journal of the Senate*

*State of Indiana*

*114th General Assembly*

*First Regular Session*

**Seventh Meeting Day**

**Tuesday Afternoon**

**January 18, 2005**

The Senate convened at 1:35 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Reverend Kerry Robinson, First Church of the Nazarene, Lowell, the guest of Senator Dorothy S. "Sue" Landske.

The Pledge of Allegiance to the Flag was led by Senator Landske.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft <input type="checkbox"/>	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Server
Harrison	Simpson <input type="checkbox"/>
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume	Steele
Jackman	Waltz <input type="checkbox"/>
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss <input type="checkbox"/>
Landske	Young, M.
Lawson	Young, R. <input type="checkbox"/>
Lewis	Zakas

Roll Call 8: present 45; excused 5. [Note: A ☐ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## **INTRODUCTION OF BILLS**

The following bills and resolutions were read a first time by title and referred to the respective committees:

### **SB 1 — Ford (Tax and Fiscal Policy)**

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

### **SB 451 — Alting (Education and Career Development)**

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

### **SB 452 — Kenley (Tax and Fiscal Policy)**

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

### **SB 453 — Clark (Corrections, Criminal, and Civil Matters)**

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

### **SB 454 — Hershman (Health and Provider Services)**

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

### **SB 455 — Weatherwax (Corrections, Criminal, and Civil Matters)**

A BILL FOR AN ACT to amend the Indiana Code concerning property.

### **SB 456 — Weatherwax (Appropriations)**

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

### **SB 457 — Weatherwax (Tax and Fiscal Policy)**

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

### **SB 458 — Dillon (Corrections, Criminal, and Civil Matters)**

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

### **SB 459 — Dillon (Tax and Fiscal Policy)**

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

### **SB 460 — Server (Tax and Fiscal Policy)**

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

### **SB 461 — Clark (Rules and Legislative Procedure)**

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

### **SB 462 — Bray (Rules and Legislative Procedure)**

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure. (Vehicle Bill)

### **SB 463 — Breaux (Governmental Affairs and Interstate Cooperation)**

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**SB 464** — Steele (Commerce and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**SB 465** — Steele (Agriculture and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

**SB 466** — Server (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**SB 467** — Miller, Dillon (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**SB 468** — Alting (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**SB 469** — Mrvan (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 470** — Mrvan (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 471** — Mrvan (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**SB 472** — Lanane (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**SB 473** — Simpson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**SB 474** — Simpson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**SB 475** — Simpson (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 476** — Simpson (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 477** — Simpson (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**SB 478** — Simpson (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

**SB 479** — Simpson (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**SB 480** — Landske, Lawson (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**SB 481** — Lawson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**SB 482** — Lawson (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**SB 483** — Heinold, Lawson (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**SB 484** — Wyss, Craycraft, Meeks (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**SB 485** — Wyss, Simpson, Lawson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**SB 486** — Landske (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**SB 487** — Kruse (Commerce and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

**SB 488** — Kruse (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

**SB 489** — Kruse (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**SB 490** — Gard (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law. (Vehicle Bill)

**SB 491** — Zakas (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

**SB 492** — Zakas (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**SB 493** — Ford (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

**SB 494** — M. Young (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**SB 495** — M. Young (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**SB 496** — Kenley (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 497** — Server (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.

**SB 498** — Server (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure and local government.

**SB 499** — Lawson (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**SB 500** — M. Young, Lawson (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**SB 501** — Server (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 502** — Hershman (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

**SB 503** — Hershman (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and local government.

**SB 504** — Hershman, Sipes (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**SB 505** — Broden (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**SB 506** — Broden (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

**SB 507** — Clark (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

**SB 508** — Clark (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

**SB 509** — Clark (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

**SB 510** — M. Young (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 511** — Lubbers (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**SB 512** — Drozda, Long, Gard, Lewis (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**SB 513** — Weatherwax (Commerce and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

**SB 514** — Broden, Wyss (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**SB 515** — Broden (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

**SB 516** — Lubbers (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

**SB 517** — Lubbers (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**SB 518** — Weatherwax (Agriculture and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

**SB 519** — Weatherwax, Lewis (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**SB 520** — Drozda (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**SJR 7** — Hershman, Craycraft, Bray, Drozda, Jackman, Waterman, Kruse, Nugent, Long, Riegsecker, Ford, Dillon, Harrison, Heinold, M. Young (Corrections, Criminal, and Civil Matters)

A JOINT RESOLUTION proposing an amendment to Article 1 of the Constitution of the State of Indiana concerning the definition of marriage.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 10

Senate Concurrent Resolution 10, introduced by Senator Zakas:

A CONCURRENT RESOLUTION encouraging shopping malls, stores, and local units of government throughout Indiana to adopt a "Code Adam" child safety protocol.

*Whereas, The "Code Adam" program was created by Wal-Mart, Inc. in 1994;*

*Whereas, The program, named in memory of Adam Walsh, a six-year-old Florida boy who was abducted from a shopping mall and murdered in 1981, is used as a preventive tool against child abductions in more than 45,000 stores across the nation;*

*Whereas, The program protocol is activated when a customer reports a missing child to a store employee;*

*Whereas, An alert is announced over the public address system and a brief description of the child is obtained and provided to all designated employees, who immediately stop their normal work to search for the child and monitor all exits to help prevent the child from leaving the store;*

*Whereas, If the child is not found within the first ten minutes during a storewide search, or if the child is seen accompanied by someone other than a parent or guardian, store personnel contact local law enforcement and request assistance;*

*Whereas, The program has proven extremely successful in thwarting many attempted abductions through the issuance of a "Code Adam" alert in commercial establishments; it continues to be implemented in stores across the country with the help of the National Center for Missing and Exploited Children;*

*Whereas, According to the United States Department of Justice, approximately 4,600 children are abducted annually by nonfamily members; and*

*Whereas, Indiana should take all possible steps to ensure the safety of Hoosier children: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly encourages all shopping malls, stores, and local units of government to adopt the "Code Adam" child safety protocol.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the National Center for Missing and Exploited Children, the National Federation of Independent Business, the Association of Indiana Counties, the Indiana Association of Cities and Towns, and the Indiana Chamber of Commerce.

The resolution was read in full and referred to the Committee on Homeland Security, Utilities, and Public Policy.

#### **Senate Concurrent Resolution 11**

Senate Concurrent Resolution 11, introduced by Senator Kruse:

A CONCURRENT RESOLUTION urging the Indiana department of transportation to designate Interstate Highway 469 encircling Fort Wayne as the Ronald Reagan Expressway.

*Whereas, Ronald Wilson Reagan was born on February 6, 1911, in Tampico, Illinois, to Nelle and John Reagan and died on June 5, 2004, at the age of 93;*

*Whereas, Ronald Reagan, the 40th President of the United States, was a man of the people who worked throughout his life to preserve freedom and advance public good;*

*Whereas, President Reagan experienced life from many different vantage points, having been employed as an entertainer, a union leader, a corporate spokesman, Governor of California, and the President of the United States;*

*Whereas, As a young man, President Reagan was a lifeguard at Rock River in Lowell, Illinois, where he saved the lives of 77 swimmers. He later enrolled in Eureka College, where he played football, acted in amateur theater, and graduated with a bachelor's degree in economics and sociology;*

*Whereas, On March 4, 1952, President Reagan married his second wife, Nancy Davis, who was his great love and confidante and companion. President Reagan was the father of four children: Maureen, Michael, Patti, and Ronald Prescott;*

*Whereas, The presidency of Ronald Reagan was distinguished by many memorable accomplishments, including the appointment of Sandra Day O'Connor as the first female United States Supreme Court Justice and the historic tax cuts that overhauled the Federal tax code and reduced tax rates for most taxpayers, removing 6,000,000 Americans from the tax rolls;*

*Whereas, During his presidency, inflation fell, interest rates declined, and the stock market hit an all-time high;*

*Whereas, On March 30, 1981, only two months into his presidency, President Reagan survived an assassination attempt, and upon meeting Nancy in the hospital quipped with characteristic good humor, "Honey, I forgot to duck.";*

*Whereas, During summit meetings with Soviet Union President Mikhail Gorbachev in December 1986, President Reagan signed a treaty to eliminate intermediate-range nuclear forces;*

*Whereas, President Reagan, a steadfast opponent of communism, resolved to defeat the "Evil Empire";*

*Whereas, Through President Reagan's constant vigilance and his unfailing belief in government for the people and by the people, the Berlin Wall came tumbling down and the Cold War ended victoriously; and*

*Whereas, Ronald Wilson Reagan, father, husband, actor, and dedicated public servant, restored the pride, optimism, and strength of the United States and earned the deep respect and affection of*

*his fellow citizens: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the members of the Indiana General Assembly recognize the many accomplishments of President Ronald Reagan and wish to honor him in a way befitting a man of his stature.

SECTION 2. That the General Assembly urges the Indiana department of transportation to designate Highway 469 encircling Fort Wayne as the Ronald Reagan Expressway.

SECTION 3. That copies of this resolution be transmitted by the secretary of the senate to the commissioner of the Indiana department of transportation and Graham Richard, the mayor of Fort Wayne.

The resolution was read in full and referred to the Committee on Commerce and Transportation.

### **Senate Concurrent Resolution 12**

Senate Concurrent Resolution 12, introduced by Senator Landske:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to study upgrading fire safety for school dormitories and senior care facilities.

*Whereas, Fire resistant housing construction is needed for school dormitories and facilities that provide personal care services to senior residents: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the legislative council is urged to establish a committee to study upgrading fire safety for school dormitories and buildings that provide housing, meals, and personal care services to senior residents (excluding nursing, medical, or hospice care, psychological counseling, distribution of medications, or rehabilitative or restorative therapies). With regard to these dormitories and buildings, the committee shall study upgrading state building code requirements for new construction and remodeling of existing buildings, including:

- (1) the installation of smoke and fire alarms;
- (2) the installation of automatic sprinkler systems;
- (3) increasing the use of noncombustible building elements;
- (4) increasing the fire resistance rating of building elements; and
- (5) any other aspect of fire safety the committee considers necessary.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Homeland Security, Utilities, and Public Policy.

### **Senate Concurrent Resolution 13**

Senate Concurrent Resolution 13, introduced by Senators

Heinold and Sipes:

A CONCURRENT RESOLUTION urging the United States Congress to direct the Federal Communications Commission to adopt regulations or issue an order requiring multichannel video programming distributors that provide service in a television market in a state to carry at least one affiliate of a broadcast network with its city of licensure reference point located in that state.

*Whereas, The Federal Communications Commission (FCC) has jurisdiction over the provision of service by multichannel video programming distributors (MVPDs), including cable operators and satellite carriers;*

*Whereas, The FCC prescribes "must carry" regulations (47 CFR 76.51 et seq.) requiring MVPDs to carry local commercial television stations;*

*Whereas, The FCC regulations provide that if a cable operator elects to carry an affiliate of a broadcast network to fulfill the operator's obligations, the operator must carry the affiliate of the broadcast network with its city of licensure closest to the principal headend of a cable system;*

*Whereas, In Indiana communities bordering other states, the broadcast network with its city of licensure closest to the principal headend of a cable system may be located in a neighboring state;*

*Whereas, The FCC regulations provide that a satellite carrier is not required to carry in a single, local market the signals of more than one commercial television broadcast station affiliated with a particular television network unless the stations are licensed to communities in different states, and that the carrier may select which network affiliate in a market it shall carry;*

*Whereas, Under the FCC regulations, cable and satellite subscribers in Indiana communities bordering other states may not receive a local commercial television station that is an affiliate of a broadcast network with its city of licensure located in Indiana;*

*Whereas, Under the FCC regulations, subscribers in Indiana border communities may not have access to a network affiliate that provides news coverage of events and issues affecting Indiana;*

*Whereas, In enacting the Cable Television Consumer Protection and Competition Act (47 U.S.C. 521 et seq.), the United States Congress directed the FCC to "afford particular attention to the value of localism" when responding to requests to include or exclude particular communities in a television broadcast station's television market;*

*Whereas, Congress further instructed the FCC, in determining the local needs of a community, to consider whether there exists any other station eligible to be carried in the community that "provides news coverage of issues of concern" to the community; and*

*Whereas, Under existing FCC regulations, the local news and*

*informational needs of subscribers in Indiana border communities are not being adequately served: Therefore:*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly urges the United States Congress to direct the Federal Communications Commission to adopt regulations or issue an order requiring multichannel video programming distributors, including cable operators and satellite carriers, that provide service in a television market in a state to carry at least one affiliate of a broadcast network with its city of licensure reference point located in that state.

SECTION 2. That the Secretary of the Senate shall transmit a copy of this resolution to the members of the Indiana congressional delegation.

The resolution was read in full and referred to the Committee on Homeland Security, Utilities, and Public Policy.

#### SENATE MOTION

Madam President: I move that Senators Zakas, Kenley, Skinner, and Simpson be appointed to act with a like committee of the House of Representatives to wait upon the Chief Justice and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly on January 19, 2005.

Senator Zakas shall serve as chairperson of the committee.

GARTON

Motion prevailed.

#### REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Senate Bill 13, currently assigned to the Committee on Judiciary, be reassigned to the Committee on Corrections, Criminal, and Civil Matters.

GARTON

#### REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Senate Bill 346, currently assigned to the Committee on Rules and Legislative Procedure, be reassigned to the Committee on Insurance and Financial Institutions.

GARTON

#### REPORTS FROM COMMITTEES

##### COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 78, has had the same under consideration and begs leave to report the same back to the Senate

with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 22-2-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Every person, firm, corporation, limited liability company, or association, their trustees, lessees, or receivers appointed by any court, doing business in Indiana, shall pay each employee at least semimonthly or biweekly, if requested, the amount due the employee. The payment shall be made in lawful money of the United States, by negotiable check, draft, or money order, or by electronic transfer to the financial institution designated by the employee. Any contract in violation of this subsection is void.

(b) Payment shall be made for all wages earned to a date not more than ten (10) **business** days prior to the date of payment. However, this subsection does not prevent payments being made at shorter intervals than specified in this subsection, nor repeal any law providing for payments at shorter intervals. However, if an employee voluntarily leaves employment, either permanently or temporarily, the employer shall not be required to pay the employee an amount due the employee until the next usual and regular day for payment of wages, as established by the employer. If an employee leaves employment voluntarily, and without the employee's whereabouts or address being known to the employer, the employer is not subject to section 2 of this chapter until:

- (1) ten (10) **business** days have elapsed after the employee has made a demand for the wages due the employee; or
- (2) the employee has furnished the employer with the employee's address where the wages may be sent or forwarded."

Page 2, line 8, delete "fees." and insert "**fees incurred by the employee.**"

Renumber all SECTIONS consecutively.

(Reference is to SB 78 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 1.

HARRISON, Chair

Report adopted.

##### COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 202, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE UPON PASSAGE]".

Page 1, after line 11, begin a new paragraph and insert:

"SECTION 2. **An emergency is declared for this act.**"

(Reference is to SB 202 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 1.

MEEKS, Chair

Report adopted.

##### COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal

Policy, to which was referred Senate Bill 329, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

KENLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 100, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

KENLEY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 60, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 14-13-6-22 IS AMENDED TO READ AS FOLLOWS: Sec. 22. (a) The commission is authorized to do the following:

- (1) Hold public hearings.
- (2) Request the presence and participation at a commission meeting of representatives of any governmental or private entity that has an interest in natural resources, tourism, historic preservation, archaeology, or environmental issues.
- (3) Enter into contracts, within the limit of available funds, with individuals, organizations, and institutions for services that further the purposes of this chapter.
- (4) Enter into contracts, within the limit of available funds, with local and regional nonprofit corporations and associations for cooperative endeavors that further the purposes of this chapter.
- (5) Enter with governmental and private entities into cooperative agreements that further the purposes of this chapter.
- (6) Receive appropriations of federal funds.
- (7) Accept gifts, contributions, and bequests of funds from any source.
- (8) Apply for, receive, and disburse funds available from the state or federal government in furtherance of the purposes of this chapter, and enter into any agreements that may be required as a condition of obtaining the funds.
- (9) Enter into any agreement and perform any act that is necessary to carrying out the duties of the commission and the purposes of this chapter.

(b) The following conditions apply to the handling and disbursement of any funds that the commission receives under subsection (a)(8):

(1) The department shall provide accounting services pertaining to the funds.

(2) The commission may appoint an individual to act as treasurer of the commission for purposes of the handling and disbursement of the funds.

(3) ~~Before the funds can be spent for any purpose, a claim for the All expenditure expenditures~~ must be approved reviewed by the commission at a meeting of the commission.

~~(4) A claim against the funds may not be paid without the signatures of:~~

~~(A) the president of the commission selected under section 14 of this chapter or the treasurer appointed under subdivision (2); and~~

~~(B) the director or the director's designee.~~

(Reference is to SB 60 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Natural Resources.

GARTON, Chair

Report adopted.

### SENATE BILLS ON SECOND READING

#### Senate Bill 2

Senator Ford called up Senate Bill 2 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 8

Senator Ford called up Senate Bill 8 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 44

Senator Gard called up Senate Bill 44 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 49

Senator Ford called up Senate Bill 49 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 53

Senator Ford called up Senate Bill 53 for second reading. The bill was read a second time by title.

#### SENATE MOTION (Amendment 53-1)

Madam President: I move that Senate Bill 53 be amended to read as follows:

Page 1, line 12, before "years" insert "consecutive".

Page 1, line 15, after "(2)" insert "consecutive".

Page 1, line 17, after "(2)" insert "**consecutive**".  
(Reference is to SB 53 as printed January 14, 2005.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

#### Senate Bill 98

Senator Long called up Senate Bill 98 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 112

Senator Meeks called up Senate Bill 112 for second reading. The bill was read a second time by title.

SENATE MOTION  
(Amendment 112-1)

Madam President: I move that Senate Bill 112 be amended to read as follows:

Page 2, line 11, delete "submit" and insert "**prepare**".

Page 2, line 12, delete "to the department of education".

Page 2, line 14, after "section." insert "**The report prepared under this subsection shall be made available for inspection by:**

**(1) the department of education; and**

**(2) members of the public.**

Page 2, line 14, before "A governing" begin a new line blocked left.

Page 2, line 14, delete "submit a report under" and insert "**comply with**".

Page 2, line 16, delete "the report has" and insert "**the governing body complies with this subsection.**".

Page 2, delete line 17.

(Reference is to SB 112 as printed January 14, 2005.)

MEEKS

Motion prevailed. The bill was ordered engrossed.

#### Senate Bill 117

Senator Zakas called up Senate Bill 117 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 224

Senator Miller called up Senate Bill 224 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 225

Senator Miller called up Senate Bill 225 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Senate Bill 229

Senator Lubbers called up Senate Bill 229 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Senator Breau be added as coauthor of Senate Bill 229.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be added as coauthor of Engrossed Senate Bill 44.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be removed as coauthor of Senate Bill 94.

R. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be added as second author and Senator Antich-Carr be added as coauthor of Senate Bill 94.

LEWIS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Clark be added as second author of Senate Bill 362.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 165.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Senate Bill 230.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators M. Young and Lanane be added as coauthors of Senate Bill 230.

LUBBERS

Motion prevailed.



## SENATE MOTION

Madam President: I move that Senator Antich-Carr be added as coauthor of Senate Bill 376.

LAWSON

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 60 and that Senator Weatherwax be substituted therefor.

GARTON

Motion prevailed.

**SENATE BILLS ON SECOND READING****Engrossed House Bill 1021**

Senator Bray called up Engrossed House Bill 1021 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## SENATE MOTION

Madam President: I move that Senator Howard be added as coauthor of Senate Bill 218.

NUGENT

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Lutz be added as coauthor of Senate Bill 219.

NUGENT

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator Long be added as coauthor of Engrossed Senate Bill 112.

MEEKS

Motion prevailed.

**RESOLUTIONS ON FIRST READING****House Concurrent Resolution 3**

House Concurrent Resolution 3, sponsored by Senator Garton:

A CONCURRENT RESOLUTION to convene a Joint Session of the 114th General Assembly of the State of Indiana.

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That a joint convention of the Senate and House of Representatives be convened, to meet in the Chambers of the House

of Representatives at 10:30 a.m., on Wednesday, January 19th, 2005, to receive the Chief Justice's message, which will be given in compliance with Section 3 of Article 7 of the Constitution of the State of Indiana and the Speaker is hereby directed to appoint a committee of four members of this House to transmit this resolution to the Senate and report to this House such action as the Senate may take thereon.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 2 and 14 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS  
Principal Clerk of the House

## MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 3 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS  
Principal Clerk of the House

## SENATE MOTION

Madam President: I move that the Senate do now recess until 7:00 p.m., at which time the Senate will reconvene in the House chambers for the purpose of attending a joint convention of the Senate and the House of Representatives to receive the Governor's message to the General Assembly delivered in compliance with Article 5, Section 13 of the Constitution of the State of Indiana, which requires that the Governor "from time to time give to the General Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient."

GARTON

Motion prevailed.

2:37 p.m.

The Chair declared a recess until 7:00 p.m.

**Recess**

The Senate reconvened at 7:45 p.m., with the President Pro Tempore of the Senate in the Chair.

## SENATE MOTION

Madam President: I move we adjourn until 10:00 a.m., Wednesday, January 19, 2005.

MERRITT

Motion prevailed.

The Senate adjourned at 7:46 p.m.

MARY C. MENDEL  
Secretary of the Senate

REBECCA S. SKILLMAN  
President of the Senate